

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Juvenile Court Act of 1987 is amended by  
5 adding Section 5-402 as follows:

6 (705 ILCS 405/5-402 new)

7 Sec. 5-402. Lineup identification procedures.

8 (1) Legislative intent. Whereas the goal of a police  
9 investigation is to apprehend the minor or minors responsible  
10 for committing a crime or crimes, and whereas studies have  
11 shown that the sequential method for photo and live lineups  
12 increases the accuracy of positive identifications, the  
13 sequential method for lineup procedures shall be utilized  
14 whenever possible.

15 (2) Lineup procedures.

16 (a) For any offense alleged to have been committed  
17 on or after July 1, 2004, the lineup identification  
18 procedure shall be presented in the sequential method, in  
19 which a witness is shown lineup participants one at a  
20 time. The witness shall be requested to state whether the  
21 individual shown is the minor accused of a violation of  
22 law, prior to viewing the next lineup participant. Only  
23 one member of the lineup shall be a suspect, and the  
24 remainder shall be "fillers" who are not suspects, but  
25 fit the general description of the suspect.

26 (b) Whenever possible, the lineup administrator  
27 shall be someone who is not aware of which member of the  
28 lineup is the suspect in the case. Prior to presenting  
29 the lineup using the sequential method, the lineup  
30 administrator shall:

31 (i) inform the witness that the accused minor

1 may or may not be among those shown, and the witness  
2 should not feel compelled to make an identification;  
3 and

4 (ii) inform the witness that he or she will  
5 view individuals one at a time and will be requested  
6 to state whether the individual shown is the minor  
7 accused of a violation of law, prior to viewing the  
8 next lineup participant.

9 (c) During the lineup, the lineup administrator  
10 shall ask the witness to state in his or her own words  
11 how sure he or she is that the person identified is the  
12 actual suspect, and make the witness's words part of the  
13 record.

14 (d) This Section applies to any live lineups that  
15 are composed and presented at a police station, and to  
16 all photo lineups regardless of where presented.

17 Section 10. The Code of Criminal Procedure of 1963 is  
18 amended by adding Article 107A as follows:

19 (725 ILCS 5/ Art. 107A heading new)

20 ARTICLE 107A. LINEUP PROCEDURES

21 (725 ILCS 5/107A-5 new)

22 Sec. 107A-5. Legislative intent. Whereas the goal of a  
23 police investigation is to apprehend the person or persons  
24 responsible for committing a crime or crimes, and whereas  
25 studies have shown that the sequential method for photo and  
26 live lineups increases the accuracy of positive  
27 identifications, the sequential method for lineup procedures  
28 shall be utilized whenever possible.

29 (725 ILCS 5/107A-10 new)

1       Sec. 107A-10. Lineup procedures.

2       (a) For any offense alleged to have been committed on or  
3 after July 1, 2004, the lineup identification procedure shall  
4 be presented in the sequential method, in which a witness is  
5 shown lineup participants one at a time. The witness shall be  
6 requested to state whether the individual shown is the  
7 perpetrator of the crime, prior to viewing the next lineup  
8 participant. Only one member of the lineup shall be a  
9 suspect, and the remainder shall be "fillers" who are not  
10 suspects, but fit the general description of the suspect.

11       (b) Whenever possible, the lineup administrator shall be  
12 someone who is not aware of which member of the lineup is the  
13 suspect in the case. Prior to presenting the lineup using the  
14 sequential method, the lineup administrator shall:

15           (1) inform the witness that the perpetrator may or  
16 may not be among those shown, and the witness should not  
17 feel compelled to make an identification; and

18           (2) inform the witness that he or she will view  
19 individuals one at a time and will be requested to state  
20 whether the individual shown is the perpetrator of the  
21 crime, prior to viewing the next lineup participant.

22       (c) During the lineup, the lineup administrator shall  
23 ask the witness to state in his or her own words how sure he  
24 or she is that the person identified is the actual suspect,  
25 and make the witness's words part of the record.

26       (d) This Section applies to any live lineups that are  
27 composed and presented at a police station, and to all photo  
28 lineups regardless of where presented.